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Paper No. 10

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In re Application of
S. Tieg et al.
Application No. 10/066,264
Filed: January 31, 2002
Attorney Docket No. SPLX.P0094

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 2003, to revive the above-identified application. The petition was supplemented on June 24, 2003.

The petition is Granted.

Petitioner states that the instant nonprovisional application is the subject of a counterpart international application filed on January 31, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the international application.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b) (2) (B) (iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). However, while the statement of unintentional delay does not comply with the rule, the statement presented will be construed as meaning that "the entire delay in filing the required reply [notification of foreign filing under 35 U.S.C. § 122(b) (2) (B) (iii)] until the filing of a grantable petition was unintentional." Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 U.S.C. § 122 (b) (2) (B) (iii) is accepted as having been unintentionally delayed.

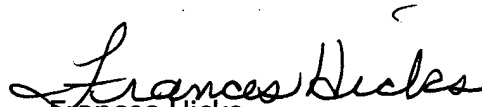
The Request and Certification under 35 U.S.C. § 122 (b) (2) (B) (i) has been rescinded. A Replacement Filing Receipt which sets forth the projected publication date of July 31, 2003 accompanies this decision on petition.

The application file is being forwarded to Technology Center AU 2825 for examination in due course.

Telephone inquiries regarding this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy



Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

Attachment: Replacement Filing Receipt